

111TH CONGRESS  
1ST SESSION

# H. R. 1834

To amend the Small Business Act to expand and improve the assistance provided to Indian tribe members, Alaska Natives, and Native Hawaiians, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 2009

Mrs. KIRKPATRICK of Arizona introduced the following bill; which was referred to the Committee on Small Business

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## A BILL

To amend the Small Business Act to expand and improve the assistance provided to Indian tribe members, Alaska Natives, and Native Hawaiians, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Native American Busi-  
5 ness Development Enhancement Act of 2009”.

1 **SEC. 2. OFFICE OF NATIVE AMERICAN AFFAIRS; TRIBAL**  
2 **BUSINESS INFORMATION CENTERS PRO-**  
3 **GRAM.**

4 (a) ASSOCIATE ADMINISTRATOR.—Section 4(b)(1) of  
5 the Small Business Act (15 U.S.C. 633(b)(1)) is amend-  
6 ed—

7 (1) by striking “five Associate Administrators”  
8 and inserting “six Associate Administrators”; and

9 (2) by inserting after “vested in the Adminis-  
10 tration.” the following: “One such Associate Admin-  
11 istrator shall be the Associate Administrator for Na-  
12 tive American Affairs, who shall administer the Of-  
13 fice of Native American Affairs established under  
14 section 44.”.

15 (b) ESTABLISHMENT.—The Small Business Act (15  
16 U.S.C. 631 et seq.) is amended—

17 (1) by redesignating section 44 as section 45;  
18 and

19 (2) by inserting after section 43 the following:

20 **“SEC. 44. OFFICE OF NATIVE AMERICAN AFFAIRS AND**  
21 **TRIBAL BUSINESS INFORMATION CENTERS**  
22 **PROGRAM.**

23 “(a) OFFICE OF NATIVE AMERICAN AFFAIRS.—

24 “(1) ESTABLISHMENT.—There is established in  
25 the Administration an Office of Native American Af-

1       fairs (hereinafter referred to in this subsection as  
2       the ‘Office’).

3               “(2) ASSOCIATE ADMINISTRATOR.—The Office  
4       shall be administered by an Associate Administrator  
5       appointed under section 4(b)(1).

6               “(3) RESPONSIBILITIES.—The Office shall have  
7       the following responsibilities:

8                       “(A) Developing and implementing tools  
9       and strategies to increase Native American en-  
10      trepreneurship.

11                      “(B) Expanding the access of Native  
12      American entrepreneurs to business training,  
13      capital, and Federal small business contracts.

14                      “(C) Expanding outreach to Native Amer-  
15      ican communities and aggressively marketing  
16      entrepreneurial development services to such  
17      communities.

18                      “(D) Representing the Administration with  
19      respect to Native American economic develop-  
20      ment matters.

21               “(4) COORDINATION AND OVERSIGHT FUNC-  
22      TION.—The Office shall provide oversight with re-  
23      spect to and assist the implementation of all Admin-  
24      istration initiatives relating to Native American en-  
25      trepreneurial development.

1           “(5) AUTHORIZATION OF APPROPRIATIONS.—

2           To carry out this subsection, there is authorized to  
3           be appropriated to the Administrator \$2,000,000 for  
4           each of fiscal years 2010 and 2011.

5           “(b) TRIBAL BUSINESS INFORMATION CENTERS  
6 PROGRAM.—

7           “(1) ESTABLISHMENT.—The Administrator is  
8           authorized to operate, alone or in coordination with  
9           other Federal departments and agencies, a Tribal  
10          Business Information Centers program that provides  
11          Native American populations with business training  
12          and entrepreneurial development assistance.

13          “(2) DESIGNATION OF CENTERS.—The Admin-  
14          istrator shall designate entities as centers under the  
15          Tribal Business Information Centers program.

16          “(3) ADMINISTRATION SUPPORT.—The Admin-  
17          istrator may contribute agency personnel and re-  
18          sources to the centers designated under paragraph  
19          (2) to carry out this subsection.

20          “(4) GRANT PROGRAM.—The Administrator is  
21          authorized to make grants of not more than  
22          \$300,000 to centers designated under paragraph (2)  
23          for the purpose of providing Native Americans the  
24          following:

25                 “(A) Business workshops.

1 “(B) Individualized business counseling.

2 “(C) Entrepreneurial development train-  
3 ing.

4 “(D) Access to computer technology and  
5 other resources to start or expand a business.

6 “(5) REGULATIONS.—The Administrator shall  
7 by regulation establish a process for designating cen-  
8 ters under paragraph (2) and making the grants au-  
9 thorized under paragraph (4).

10 “(6) DEFINITION OF ADMINISTRATOR.—In this  
11 subsection, the term ‘Administrator’ means the Ad-  
12 ministrator, acting through the Associate Adminis-  
13 trator administering the Office of Native American  
14 Affairs.

15 “(7) AUTHORIZATION OF APPROPRIATIONS.—  
16 To carry out this subsection, there is authorized to  
17 be appropriated to the Administrator \$15,000,000  
18 for fiscal year 2010 and \$17,000,000 for fiscal year  
19 2011.

20 “(c) DEFINITION OF NATIVE AMERICAN.—The term  
21 ‘Native American’ means an Indian tribe member, Alaska  
22 Native, or Native Hawaiian as such are defined in section  
23 21(a)(8) of this Act.”.

1 **SEC. 3. SMALL BUSINESS DEVELOPMENT CENTER ASSIST-**  
2 **ANCE TO INDIAN TRIBE MEMBERS, ALASKA**  
3 **NATIVES, AND NATIVE HAWAIIANS.**

4 (a) IN GENERAL.—Section 21(a) of the Small Busi-  
5 ness Act (15 U.S.C. 648(a)) is amended by adding at the  
6 end the following:

7 “(8) ADDITIONAL GRANT TO ASSIST INDIAN  
8 TRIBE MEMBERS, ALASKA NATIVES, AND NATIVE HA-  
9 WAIANS.—

10 “(A) IN GENERAL.—Any applicant in an  
11 eligible State that is funded by the Administra-  
12 tion as a Small Business Development Center  
13 may apply for an additional grant to be used  
14 solely to provide services described in subsection  
15 (c)(3) to assist with outreach, development, and  
16 enhancement on Indian lands of small business  
17 startups and expansions owned by Indian tribe  
18 members, Alaska Natives, and Native Hawai-  
19 ians.

20 “(B) ELIGIBLE STATES.—For purposes of  
21 subparagraph (A), an eligible State is a State  
22 that has a combined population of Indian tribe  
23 members, Alaska Natives, and Native Hawai-  
24 ians that comprises at least 1 percent of the  
25 State’s total population, as shown by the latest  
26 available census.

1           “(C) GRANT APPLICATIONS.—An applicant  
2           for a grant under subparagraph (A) shall sub-  
3           mit to the Administration an application that is  
4           in such form as the Administration may re-  
5           quire. The application shall include information  
6           regarding the applicant’s goals and objectives  
7           for the services to be provided using the grant,  
8           including—

9                   “(i) the capability of the applicant to  
10                  provide training and services to a rep-  
11                  resentative number of Indian tribe mem-  
12                  bers, Alaska Natives, and Native Hawai-  
13                  ians;

14                  “(ii) the location of the Small Busi-  
15                  ness Development Center site proposed by  
16                  the applicant;

17                  “(iii) the required amount of grant  
18                  funding needed by the applicant to imple-  
19                  ment the program; and

20                  “(iv) the extent to which the applicant  
21                  has consulted with local tribal councils.

22           “(D) APPLICABILITY OF GRANT REQUIRE-  
23           MENTS.—An applicant for a grant under sub-  
24           paragraph (A) shall comply with all of the re-  
25           quirements of this section, except that the

1 matching funds requirements under paragraph  
2 (4)(A) shall not apply.

3 “(E) MAXIMUM AMOUNT OF GRANTS.—No  
4 applicant may receive more than \$300,000 in  
5 grants under this paragraph for any fiscal year.

6 “(F) REGULATIONS.—After providing no-  
7 tice and an opportunity for comment and after  
8 consulting with the Association recognized by  
9 the Administration pursuant to paragraph  
10 (3)(A) (but not later than 180 days after the  
11 date of enactment of this paragraph), the Ad-  
12 ministration shall issue final regulations to  
13 carry out this paragraph, including regulations  
14 that establish—

15 “(i) standards relating to educational,  
16 technical, and support services to be pro-  
17 vided by Small Business Development Cen-  
18 ters receiving assistance under this para-  
19 graph; and

20 “(ii) standards relating to any work  
21 plan that the Administration may require a  
22 Small Business Development Center receiv-  
23 ing assistance under this paragraph to de-  
24 velop.



1           “(G) ADVICE OF LOCAL TRIBAL ORGANIZA-  
2           TIONS.—A Small Business Development Center  
3           receiving a grant under this paragraph shall re-  
4           quest the advice of a tribal organization on how  
5           best to provide assistance to Indian tribe mem-  
6           bers, Alaska Natives, and Native Hawaiians  
7           and where to locate satellite centers to provide  
8           such assistance.

9           “(H) DEFINITIONS.—In this paragraph,  
10          the following definitions apply:

11           “(i) INDIAN LANDS.—The term ‘In-  
12          dian lands’ has the meaning given the term  
13          ‘Indian country’ in section 1151 of title 18,  
14          United States Code, the meaning given the  
15          term ‘Indian reservation’ in section 151.2  
16          of title 25, Code of Federal Regulations  
17          (as in effect on the date of enactment of  
18          this paragraph), and the meaning given  
19          the term ‘reservation’ in section 4 of the  
20          Indian Child Welfare Act of 1978 (25  
21          U.S.C. 1903).

22           “(ii) INDIAN TRIBE.—The term ‘In-  
23          dian tribe’ means any band, nation, or or-  
24          ganized group or community of Indians lo-  
25          cated in the contiguous United States, and

1 the Metlakatla Indian Community, whose  
2 members are recognized as eligible for the  
3 services provided to Indians by the Sec-  
4 retary of the Interior because of their sta-  
5 tus as Indians.

6 “(iii) INDIAN TRIBE MEMBER.—The  
7 term ‘Indian tribe member’ means a mem-  
8 ber of an Indian tribe (other than an Alas-  
9 ka Native).

10 “(iv) ALASKA NATIVE.—The term  
11 ‘Alaska Native’ has the meaning given the  
12 term ‘Native’ in section 3(b) of the Alaska  
13 Native Claims Settlement Act (43 U.S.C.  
14 1602(b)).

15 “(v) NATIVE HAWAIIAN.—The term  
16 ‘Native Hawaiian’ means any individual  
17 who is—

18 “(I) a citizen of the United  
19 States; and

20 “(II) a descendant of the aborigi-  
21 nal people, who prior to 1778, occu-  
22 pied and exercised sovereignty in the  
23 area that now constitutes the State of  
24 Hawaii.

1 “(vi) TRIBAL ORGANIZATION.—The  
2 term ‘tribal organization’ has the meaning  
3 given that term in section 4(l) of the In-  
4 dian Self-Determination and Education  
5 Assistance Act (25 U.S.C. 450b(l)).

6 “(I) AUTHORIZATION OF APPROPRIA-  
7 TIONS.—There is authorized to be appropriated  
8 to carry out this paragraph \$7,000,000 for each  
9 of fiscal years 2010 and 2011.

10 “(J) FUNDING LIMITATIONS.—

11 “(i) NONAPPLICABILITY OF CERTAIN  
12 LIMITATIONS.—Funding under this para-  
13 graph shall be in addition to the dollar  
14 program limitations specified in paragraph  
15 (4).

16 “(ii) LIMITATION ON USE OF  
17 FUNDS.—The Administration may carry  
18 out this paragraph only with amounts ap-  
19 propriated in advance specifically to carry  
20 out this paragraph.”.

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